

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MARIA RONAY

Application No. 10/618,751

MAILED

JUN 21 2007

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 8, 2007. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On July 14, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received December 5, 2005. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Evidence Relied Upon" (section 8) the references relied upon to reject the claims on appeal have not been identified, specifically the Moinar reference (6,283,829) and Chang (2003/0211743).

Correction is required.

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In accordance with MPEP § 1207.02, the “Evidence Relied Upon” should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) issue and mail a form PTOL-90 to identify all prior art and references used to reject the claims on appeal (37 CFR § 41.37); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN/dpv

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